

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

DATE: May 20, 2021
START: 3:00 p.m.
END: 5:30 p.m.

DOCKET NO./Case:

17-cv-06980-NG-RLM, Suffolk County Water Authority v. The Dow Chemical Company et. al.
18-cv-07266-NG-RLM, Port Washington Water District v. The Dow Chemical Company et. al.
18-cv-07269-NG-RLM, Roslyn Water District v. The Dow Chemical Company et. al.
18-cv-07271-NG-RLM, Water Authority of Great Neck North v. The Dow Chemical Company et. al.
18-cv-07272-NG-RLM, Oyster Bay Water District v. The Dow Chemical Company et. al.
18-cv-07277-NG-RLM, Garden City Park Water District v. The Dow Chemical Company et. al.
18-cv-07278-NG-RLM, West Hempstead Water District v. The Dow Chemical Company et. al.
18-cv-07279-NG-RLM, Carle Place Water District v. The Dow Chemical Company et. al.
18-cv-07281-NG-RLM, Jericho Water District v. The Dow Chemical Company et. al.
18-cv-07282-NG-RLM, Albertson Water District v. The Dow Chemical Company et. al.
19-cv-00085-NG-RLM, Board of Commissioners of the Manhasset-Lakeville Water District v. The Dow Chemical Company et. al.
19-cv-01348-NG-RLM, Bethpage Water District v. The Dow Chemical Company et al
19-cv-01351-NG-RLM, Plainview Water District v. The Dow Chemical Company et al
19-cv-01404-NG-RLM, South Farmingdale Water District v. The Dow Chemical Company et al.
19-cv-02150-NG-RLM, New York American Water Company, Inc. v. The Dow Chemical Company et al
19-cv-02490-NG-RLM, Locust Valley Water District v. The Dow Chemical Company et al
19-cv-02973-NG-RLM, Incorporated Village of Mineola v. The Dow Chemical Company et al
19-cv-02974-NG-RLM, Water Authority of Western Nassau County v. The Dow Chemical Company et al
19-cv-02975-NG-RLM, Franklin Square Water District v. The Dow Chemical Company et al
19-cv-02986-NG-RLM, Town Of Huntington et al v. The Dow Chemical Company et al
19-cv-02990-NG-RLM, Westbury Water & Fire District v. The Dow Chemical Company et al
19-cv-03059-NG-RLM, Greenlawn Water District v. The Dow Chemical Company et al
19-cv-03197-NG-RLM, Incorporated Village of Garden City v. The Dow Chemical Company et. al.
19-cv-03570-NG-RLM, Incorporated Village of Hempstead v. The Dow Chemical Company et al
2:19-cv-05632-NG-RLM, Hicksville Water District v. The Dow Chemical Company et. al.
19-cv-05775-NG-RLM, Town of Hempstead v. The Dow Chemical Company et. al.
19-cv-05825-NG-RLM, South Hunginton Water District v. The Dow Chemical Company et. al.

☐ **INITIAL CONFERENCE**
☐ **DISCOVERY CONFERENCE**
☐ **SETTLEMENT CONFERENCE**
☒ **MOTION HEARING**

☐ **OTHER/ORDER TO SHOW CAUSE**
☐ **FINAL/PRETRIAL CONFERENCE**
☒ **TELEPHONE CONFERENCE**
☐ **INFANT COMPROMISE HEARING**

PLAINTIFF**ATTORNEY**

	SEE ATTACHED

DEFENDANT**ATTORNEY**

	SEE ATTACHED

- ☐ **FACT DISCOVERY TO BE COMPLETED BY** _____
☐ **SETTLEMENT CONFERENCE SCHEDULED FOR** _____
☐ **JOINT PRE-TRIAL ORDER TO BE FILED VIA ECF BY** _____
☐ **PL. TO SERVE DEF. BY:** _____ **DEF. TO SERVE PL. BY:** _____

RULINGS: PLEASE TYPE THE FOLLOWING ON DOCKET SHEET

Argument heard regarding defendants' [173], [174] motions to compel. The parties must file a joint status report by May 27, 2021, following renewed efforts to resolve or at least narrow the scope of their discovery disputes, as described below.

The Court rules as follows with respect to defendants' motion to compel the production of documents: (1) the parties are directed to confer, together with their technology specialists, regarding the cost and feasibility of producing SCWA's database of groundwater testing results, as well as whether a subset of testing results would satisfy defendants; (2) SCWA agreed to provide defendants with a stipulation that the only groundwater model it has relied on is the model created and produced by third-party CDM Smith; (3) defendants' request for the groundwater models of Hicksville, Garden City and Bethpage is denied without prejudice, subject to the parties conferring as to whether any models would be duplicative of the CDM Smith model, which encompasses all of Long Island; (4) the parties must confer with each other, and their technology specialists, regarding the relevance and burden of producing distribution models; (5) the Court denies defendants' motion for "investigatory documents," as plaintiffs represent that they have produced all responsive non-privileged information in their possession, subject to their ongoing privilege review; (6) the parties must confer further regarding defendants' request for water supply permit files; and (7) regarding the production of emails, the Court directs the parties to confer regarding a deadline for the completion of plaintiffs' email production. Plaintiffs are further directed to produce outstanding documents on a rolling basis.

Regarding defendants' motion to compel responses to interrogatories, plaintiffs must identify the nine additional SCWA wells for which they seek damages, by May 28, 2021. To the extent that plaintiffs' identification of known and suspected sources of 1,4 dioxane

contamination is based solely on documents already produced in discovery, or on privileged communications, the Court will not require that plaintiffs review the records in order to respond to the interrogatories on a well-by-well basis; each plaintiff must, however, disclose to defendants the identities of known and suspected sources of contamination, with counsel to confer further on this issue.

APPEARANCES

PLAINTIFFS

ATTORNEYS

All Plaintiffs in all related cases other than 19-cv-2150 and 19-cv-5632	Matthew Edling, Katie Jones, Stephanie Biehl
New York American Water Co. Inc. in 19-cv-2150	Frank Schirripa, Hillary Nappi, Mary Jane Bass
Hicksville Water District in 19-cv-5632	Lilia Factor
Suffolk County Water Authority in 17-cv-6980	Scott Martin, Richard Lewis, Katie Beran, Jeanette Bayoum

DEFENDANTS

ATTORNEYS

Dow Chemical	Joel Blanchet, Andrew Devine, Nader Boulos, Kevin VanWart
Ferro Corp.	Robb Patryk, Faranak Tabatabai, Amina Hassan
Vulcan Materials Co.	Felice Gallant, Stephen Dillard
Shell Oil Co. in 17-CV-6980, 19-CV-2150, and 19-cv-5632	Megan Brillault
Procter & Gamble Co. in 17-cv-6980, 19-cv-2150, and 19-cv-5632	Jed Winer